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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,166	03/17/2005	Hideo Morita	267494US6PCT	2641

22850 7590 09/04/2009  
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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ALLISON, ANDRAE S

ART UNIT	PAPER NUMBER
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2624

NOTIFICATION DATE	DELIVERY MODE
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09/04/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/528,166	<b>Applicant(s)</b> MORITA, HIDEO	
	<b>Examiner</b> ANDRAE S. ALLISON	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on RCE filed 05/26/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/17/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on March 25, 2009 have been entered. Claims 25-52 are pending.

### ***Response to Remarks***

#### Claim Rejections – 35 USC section § 102 & 103

Applicant's arguments are moot in view of the new grounds of rejection.

#### Allowable subject Matter

The indicated allowability of claims 2 and 6 is withdrawn in view of the newly discovered reference(s) to Kim. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimburger (US Patent No.: 5,995,154) in view of Song et al (US Patent No.: 7,265,791) further in view of Kim et al (US Patent No.: 7,098,957).

As to independent claim 5, Heimburger discloses an image processing method of converting an interlaced image data to a noninterlaced image data (method for converting interlaced format image data to progressive format image data - column 1, lines 5-10), comprising: comparing pixel data of an interlaced image pixel-by-pixel between frames to perform a motion detection (see column 8, lines 10-16 – where motion estimation is performed on a frame stored in memory and a current frame); interpolating by mixing pixel data (Pm) generated by interpolation in a field and pixel data (Ps) generated by interpolation between a plurality of fields based on pixel data of the interlaced image (see column 21, lines 63-67, column 22, lines 1-67 – where interpolations is done between multiple fields ) at a mixture ratio (Rmix) (see column 3, lines 1-5) in accordance with the motion detection result (Dif(0)) and the history value (Hk), wherein the larger the history value (Hk) is, the larger amount of pixel data (Ps) generated by interpolation between fields mixes (see column 21, lines 63-67). Note the discussion above, Heimburger does not expressly disclose generating a history value indicating the number of times that a determination is continuously made that the interlaced image is a still image based on a result of the motion detection. Song discloses a method for de-interlacing video signal (see column 15-19) generating a

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history value indicating the number of times that a determination is continuously made that the interlaced image is a still image based on a result of the motion detection (see column 4, lines 16-26 – where motion index value is determined, based on a difference), wherein the larger the history value (Hk) is, the larger amount of pixel data (Ps) generated by interpolation between fields mixes (see column 4, lines 33-42). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the method of Heimbürger with the method for de-interlacing video signal of Song “for converting an interlaced scan format image into a progressive scan format image by performing low pass filtering on respective predetermined pixels of a current frame and a previous frame and determining pixel motion index values by comparing a threshold value to a difference value between the respective filtered pixels in a current field in one of the current and previous frames” (see abstract).

As to independent claim 1, this claim differs from claim 5 only in that claim 1 is apparatus whereas, claim 5 is method and the limitations a motion detection portion, a history value generation portions and a pixel data interpolation portion are additively recited Heimbürger clearly discloses an apparatus (see Fig 1) comprising: limitations a motion detection portion (5 - see Fig 1), a history value generation portions (5 - see Fig 1) and a pixel data interpolation portion (4, see Fig 1).

As to claims 2 and 6, note the discussion of claim 5 above.

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As to claim 3, Heimburger teaches the image processing apparatus, wherein said history value generation portions (52, 53) generates a history value ( $H_k(+2F)$ ) for interpolation of an adjacent pixel in a field delayed by one field from a field where a pixel data to be generated by the interpolation and updates with respect to each interpolation (see column 23, lines 37-42).

As to claim 4, Heimburger teaches the image processing apparatus, wherein said history value generation portions (52, 53) generates a history value ( $H_k(+F)$ ) for an interpolation of an adjacent pixel in a field differing from a field where a pixel data to be generated by the interpolation, generates a history value ( $H_k(+2F)$ ) for an interpolation of an adjacent pixel in the same field where a pixel data to be generated by the interpolation, and updates respectively with respect to each interpolation column 21, lines 63-67, column 22, lines 1-67.

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### ***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDRAE S. ALLISON whose telephone number is (571)270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vikkram Bali can be reached on (571) 272-7415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. S. A./  
Examiner, Art Unit 2624  
August 6, 2009

/Yubin Hung/

Primary Examiner, Art Unit 2624